

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DOUGLAS BROWN,

Plaintiff,

v.

COVESTRO LLC WELFARE BENEFITS
PLAN, *et al*,

Defendants.

Civil Action No. 2:22-cv-954

Hon. William S. Stickman IV

Hon. Cynthia Reed Eddy

ORDER OF COURT

Plaintiff Douglas Brown (“Brown”) brought a claim alleging that Defendants Covestro LLC and Covestro LLC Welfare Benefits Plan (collectively, “Covestro”) improperly denied him long-term disability benefits under the Employee Retirement Income Security Act of 1974 (“ERISA”). (ECF No. 1). The parties filed cross motions for summary judgment. (ECF Nos. 36 and 40). The Honorable Cynthia Reed Eddy issued a Report and Recommendation recommending that Brown’s motion be denied and Covestro’s motion be granted. (ECF No. 52). The parties were given the opportunity to file objections, and Brown did so. (ECF No. 53).

After its independent *de novo* review of the record and consideration of the pleadings of the parties, the Court hereby ADOPTS Magistrate Judge Eddy’s Report and Recommendation as its Opinion. The Court OVERRULES all of Brown’s objections, including that (1) Covestro committed procedural violations in its review process and denial letter such that the remedy should be a *de novo* standard of review instead of the abuse of discretion standard employed by Magistrate Judge Eddy; (2) Magistrate Judge Eddy erred in finding that the functional capacity evaluation contradicts the opinions of the other physicians; and (3) Magistrate Judge Eddy erred

in finding that Brown is not disabled. (ECF No. 53). It concurs with Magistrate Judge Eddy's thorough analysis of Brown's claims and her legal conclusions. The Court holds that Magistrate Judge Eddy correctly concluded that it was not an abuse of discretion for the Covestro ERISA Review Committee to conclude that Brown was not totally disabled (affirming the decision of Standard Insurance Company, the claims administrator) given the substantial evidence in the record before the committee and deny Brown benefits.

AND NOW, this 7 day of December 2023, IT IS HEREBY ORDERED that Plaintiff's Motion for Summary Judgment on the ERISA Record (ECF No. 40) is DENIED.

IT IS FURTHER ORDERED that the Motion of Defendants for Summary Judgment (ECF No. 36) is GRANTED. Summary judgment will be entered in favor of Defendants Covestro LLC and Covestro LLC Welfare Benefits Plan and against Plaintiff Douglas Brown. A separate Judgment Order will follow.

BY THE COURT:

A handwritten signature in black ink, appearing to read "W. S. Stickman IV", written over a horizontal line.

WILLIAM S. STICKMAN IV
UNITED STATES DISTRICT JUDGE